

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 13185 of Washington Medical Center, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from Paragraph 3308.14 to allow the floor area ratio in a roof structure to exceed 0.37 for the proposed third phase of the retail and office complex known as International Square in a C-4 District at the premises 1825 Eye Street, N. W. (Square 106, Lot 49).

HEARING DATE: March 12, 1980
DECISION DATE: April 2, 1980

FINDINGS OF FACT:

1. At the public hearing of March 12, 1980 the subject application was called as a preliminary matter. The applicant had not complied with Section 3.3 of the Supplemental Rules of Practice and Procedure before the BZA in that the property was posted nine days prior to the public hearing instead of the required ten days and the affidavit of posting was filed three days prior to the public hearing instead of the required five days. There was no opposition. The Chair waived Section 3.3.
2. The subject property represents Phase III of the International Square development which occupies more than three fourths of the subject Square 106. Square 106 is bounded by 18th, 19th, I and K Streets, N.W., and is located in the C-4 District. The entire International Square project will total approximately 1,047,094 square feet of office and retail space when completed. An entrance to the Farragut West Metro station is located at the corner of 18th and Eye Streets within the site. Phase III of the project includes the site of the former Doctor's Hospital. The subject property is known as 1825 Eye Street, N. W.
3. In BZA Order No. 11612, dated April 23, 1974, the Board granted a variance for the International Square development to permit construction of the project to a height of 130 feet without a setback above the 110 foot level as then required by the C-4 District. The Board, by Order No. 11834, dated March 11, 1975 approved the roof structure for all three phases; by Order No. 11834, dated January 14, 1976, granted a

modification of its March 11, 1975 Order to permit redistribution of roof structure floor area from Phase I to Phase III construction; and by Order No. 12577, dated March 8, 1978, granted a further modification of its March 11, 1975 Order to permit further redistribution of roof structure floor area from Phase I to Phase III construction.

4. Phases I and II of this project are constructed. Lot 49, which includes all three phases totals approximately 106,082 square feet in area.

5. The total gross floor area of International Square is approximately 1,047, 094 square feet. The subject Phase III, 1825 Eye Street, has a gross floor area of approximately 97,342 square feet.

6. The roof structures for Phases I and II total approximately 29,551 square feet. The addition of the roof structure for Phase III will add approximately 14,945 square feet bringing the total to 44,496 square feet.

7. Paragraph 3308.14 of the Zoning Regulations limits roof structures to 0.37 times the area of the lot, or 39,153 square feet for this lot. The roof structure exceeds this limitation by some 5,343 square feet or 13.55 percent.

8. The roof structure for Phase III will contain mechanical equipment rooms, elevator machine rooms, stairways and air shafts for METRO which will occupy a gross floor area of approximately 1, 861 square feet. The requested variance, less the floor area which will be occupied by METRO equipment, amounts to 3,482 square feet or about 9 percent.

9. The applicant's architect testified that the additional floor area requested is needed to accommodate a new type of energy conservation equipment which has become available since the Phase III roof structure was originally designed and approved. The architect further testified that the roof structure will contain only mechanical equipment and that there will be no usable space therein.

10. The proposed roof structure will be faced with buff colored precast concrete panels, be in harmony with the main facade and will match the existing roof structures, as previously approved by the Board.

11. The OPD, by report dated March 10, 1980, recommended that the application be approved. It reported as follows:

"The applicant has stated that this project was designed prior to the adoption of Section 3308 of the Zoning Regulations. Prior to this amendment all roof structures were reviewed by the Board.

In addition, the Office of Planning and Development notes that approximately 1,821 square feet of gross floor area in the proposed roof structure is for METRO air shafts. The maximum allowable roof structure gross floor area for this project is 39,153 square feet. Excluding the amount of floor area devoted to METRO air shafts, a variance of approximately 3,482 square feet or nine percent is required.

The Office of Planning and Development is of the opinion that the requested variance in this case can be granted without detriment to the public good and without impairing the intent, purpose and integrity of the Zoning Regulations." The Board so finds.

12. There was no opposition to the application at the public hearing of record.

13. ANC-2B made no recommendation on the application.

CONCLUSIONS OF LAW

Based on the record the Board concludes that the applicant is seeking an area variance, the granting of which requires a showing of a practical difficulty inherent in the property itself. The Board notes that if provision was not made for the Metro air shafts the requested variance would be approximately nine percent instead of 13.65 percent. The Board further notes that the entire project was designed and originally approved several years ago and for the Board to require strict compliance with the current Zoning Regulations, would create an undue restraint upon the owner of the property. For these reasons the Board concludes that the practical difficulty is inherent in the property. The Board notes the lack of opposition to the application. The Board further concludes that the application can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the Zoning Regulations. Accordingly, it is ORDERED that the application is GRANTED.

VOTE: 4-0 (William F. McIntosh, Connie Fortune and Charles R. Norris to grant, Theodore F. Mariani to grant by proxy; Leonard L. McCants not voting, not having heard the case).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: Steven E. Sher
Steven E. Sher,
Executive Director

FINAL DATE OF ORDER: 7 JUL 1980

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTIONS.